

# NON HALAL

*by* Henni Indrayani

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### NON HALAL INCOME PHENOMENOLOGY STUDY AS SOURCE AND USE OF QARDHUL HASAN IN ISLAMIC PERSPECTIVE

Harkaneri<sup>1\*</sup>, Hana Reflisa<sup>2</sup>, Henni Indrayani<sup>3</sup>

<sup>1,2,3</sup>Faculty of Economic and Social Sciens, Uin Suska Riau, Jl.H.R. Subrantas, 28293,  
Pekanbaru, Indonesia

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#### ABSTRACT

Qardhul hasan is a form of social function of sharia banking in addition to running its commercial business activities. The existence of non-halal income as one source in qardhul hasan fund becomes a dilemma. The purpose of this study is to know and understand the Islamic review of non-halal income as the source and use of qardhul hasan funds in sharia banking. The research method used qualitative method with phenomenology approach. This study conducted in-depth interviews with selected informants based on purposive sampling technique. The selection of informants for this phenomenological research is categorized from scholars, sharia banking practitioners and academics. The results of this study revealed that the element of usury on interest which is a source of non-kosher income. The use of non-halal revenue in qardhul hasan funds should not be distributed in the form of revolving loans (qardhul hasan) because of the illegitimate law attached to interest. So that its use is specifically distributed to the public interest that is non-konsumsi which serves to clean up illicit funds in Islamic banking. The disclosure of non-halal income transparently to the source report and the use of a benevolent fund also needs to be done as a comprehensive account (kaffah) in providing information to stakeholders.

Keywords: Non-halal income, qardhul hasan, phenomenology, Islamic perspective

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#### 1. INTRODUCTION

The growth of the national sharia banking industry has continued to grow for more than two decades of development since 1992. Sharia banking is a bank that not only aims at profit (profit oriented) alone but also on social interests. Islamic banking products in accordance with the principles of ta'awun (please help) one of them is qardhul hasan. In the classical Jurisprudence literature, the concept of qardhul hasan is categorized in a contract of help and not a commercial transaction (Purwadi, 2011). Research conducted Badaruddin (2011) argue that the contribution of qardhul hasan financing for customers has a very large mashlahat.

Purwadi (2011) argues that such a large role of qardhul hasan financing products attracts researchers to further investigate the source of qardhul hasan funds sourced from non-halal income that will be reviewed in the Islamic perspective. In this case non-halal income moves volatile but tends to increase. The following can be seen in Figure 1.1.

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\* Corresponding author:

E-mail: harkaneri@gmail.com

Affiliation: Faculty, University

Figure 1.1 Non Halal Income

NO	BANK SYARIAH	2012	2013	2014
1	Bank Muamalat	-	1048	1637
2	Bank Syariah Mandiri	454	191	442
3	BNI Syariah	254	121	1
4	BRI Syariah	47	337	161
5	Bank Syariah Bukopin	75	58	130
6	BCA Syariah	1	1	1
7	BJB Syariah	4	98	220
8	Bank Mega Syariah	53	128	166
9	Bank Maybank Syariah Indonesia	11	28	27

Source: Financial Services Authority (OJK). Processed Researchers

The difference of current research with previous research is the current study using qualitative method with phenomenology approach. Researchers will see the Shariah perspective on non-halal income as a source and use of qardhul hasan funds according to scholars, academics who are experts in sharia accounting and syariah economics as well as sharia banking practitioners. Thus, this study will provide more in-depth information on non-halal income status on the source and use of qardhul hasan.

After knowing the problems that arise from the explanation of the background submitted by the researcher can then formulated the problems that become the focus of this research, as follows:

1. How is the informant's view of the phenomenon of non-halal income empowerment as one source of the benevolent funds (qardhul hasan) on sharia banking in Islamic perspective?
2. How is the informant's view of the utilization of non-halal incomes allocated to revolving loans (qardhul hasan) in an Islamic perspective?
3. How does the disclosure of sources and the use of funds of virtue (qardhul hasan) on Islamic banking?

## 2. LITERATURE REVIEW

Qardhul hasan comes from the qard, according to Ali and Muhdlar (1996) in Burhanudin (2012) that etymologically the word qard comes from qa-ra-da which means to cut. The qardh issuing according to the National Sharia Council as stated in the Shariah Council's fatwa number 19 / DSN-MUI / IX / 2001 on al-qardh states that al-qardh is a loan contract to certain customers provided that the customer is obliged to return the funds received to the financial institution sharia (LKS) at the time agreed by LKS and customers. There is a kind of qardh called qardh ul-hassan or qardh hassan, namely the qardh treatments that are specific to social purposes (Khair, Gupta and Shanmugam, 2008; 186 in Sjahdeini, 2014: 342).

The argument that reinforces the clerical decision permits the qardh transactions described by Antonio (2013: 131) that qardh transactions are permissible by scholars based on the hadiths of Ibn Majjah and the ijma ulama.

### 1. The Qur'an

"Who will lend to God a good loan, God will multiply (loan) it for him and he will get a lot of reward." (Qs.al-Hadid: 11)

The meaning of the word of Allah (SWT) explains that as a servant of Allah, Allah calls to spend the treasure in His path. So man must be convinced that lending to fellow human beings because God is the same meaning by spending the treasure in his path. Because the sustenance of every human being is a deposit from Allah SWT and partly is the right of others who must be given in a good way. In the other word of God, sura al-Baqarah verse 245 also explains the same meaning as the above suras.

## 2. Hadith

Antonio (2013: 132) explains the hadith relating to qardh, which is as follows: Ibn Mas'ud narrates that the Holy Prophet, Saying, "is not a Muslim who lends Muslims two more unless the other is (worth) alms." (Ibn Majah 2421, Kitab al-Ahkam Ibnu Hibban and Baihaqi) Anas bin Malik said that the Messenger of Allah (saw) said, "I see at night is raised, at the door of heaven is written: alms replied tenfold and qardh eighteen times. I asked: 'O Gabriel, why is qardh more than alms? He replied, "because he begs for something and he has, while the borrower will not borrow except for necessity." (Narrated by Ibn Majah no. 2422, al-ahkam and Baihaqi)

From these hadiths explain that its very prime mutual help each other. Similarly, the qardhul hasan contract is a loan agreement that can help others from distress, because with the loan other people will feel lighter to face financial problems and undoubtedly the lender will get a reply that is God's promise that will give ease even explicitly alms release his distress on the Day of Resurrection (Solehudin, Auliyah and Zuhdi, 2014).

## 3. Ijma

According to Antonio (2013: 132-133) even the scholars have agreed al-qardh may be done. It is explained that this fatwa is based on human beings as social creatures that require others to survive. No one has all the things he needs. Therefore borrowing has become a part of life in this world.

The source of qardhul hasan's fund is mentioned in the Exploration Draft of Financial Accounting Standard Statement 101 (2014): Presentation of Sharia Financial Statements, especially regarding the source report and the use of the virtue fund in para-123a. In this case the source of qardhul hasan comes from the acceptance of infaq, alms, the results of wakaf management in accordance with applicable legislation, refunds of productive virtues, fines and receipts of non-halal funds. The qardhul hasan reporting is presented separately in the source and fund use reports because the asset is not a bank asset in question.

According to Nurhayati and Wasilah (2015: 263) that the source of qardhul hasan funds from external and internal. External sources derive from qardh funds received by sharia banks from other parties (eg from donations, infaq, alms and so on). For example, the source of qardh funds provided by business entity owners, non-halal income and other fines. Meanwhile, according to Antonio (2013: 133) qardhul hasan sourced from the fund of the people such as zakat, infak and alms. In addition there are other sources of funding such as nostro services in conventional correspondent banks, interest on L / C guarantees in foreign banks.

Non-halal income is the acceptance or entry fee of an Islamic bank from non-halal transactions. One example is interest income.

Non-halal income one of them comes from bank interest. There are opinions of scholars who claim that bank interest is usury, then it is forbidden. Thus non-halal income derived from bank interest is usury, it is clearly forbidden in the Qur'anic and Hadist texts. According to Antonio (2015: 48-54) that there is a word of God that explains about usury as the greetings of Ar-Ruum verse 3, an-Nisa verses 160-161, Ali-Imran verse 130 and al-Baqarah verses 278-279.

In principle, sharia banking is prohibited from obtaining non-halal acceptance. Non-halal acceptance generally occurs in unavoidable conditions. In ED PSAK 101 (revised 2014): Presentation of Sharia Financial Statements, especially regarding the source report and the use of the virtue fund in

paragraph 126, explains that non-halal income is all receipts from activities that are not in accordance with sharia principles such as receipt of demand deposit or interest earned from conventional banks.

### 3. METHODS

This research uses qualitative method with phenomenology approach. According to Martono (2015: 206) research phenomenology (phenomenology research) is a type of research that describes the meaning of some individuals about pengalamn his life, their meaning about a particular concept or phenomenon.

The types and sources of data used in this study are primary data and secondary data. Primary data is a collection of information obtained by researchers directly from the research location through the first source (such as informants through interviews) or through the results of observations conducted by the researchers themselves (Martono, 2015: 65). To answer the research question of the research conducted, the researcher obtained the data by interview to the informant. Secondary data in this study for example the financial statements of Islamic banking, especially reporting sources and use of funds in the Islamic banking benevolent.

The object of research in this research is sharia banking in Indonesia. Then in this research, syariah banking is chosen based on the following criteria: (1) is a Sharia Public Bank; (2) The BUS must disclose the Source and Use Report of the Virtue Fund in the last 3 years from 2012-2014; (3) and BUS must have non-halal income in one source of virtue fund within the last 3 year. So based on the above criteria, there are 9 BUS which is used as research object, that is PT. Bank Muamalat, PT. Bank Syariah Mandiri, PT. BNI Syariah, PT. BRI Syariah, PT. Bank Syariah Bukopin, PT. Bank Jabar Banten Syariah, PT. Bank BCA Syariah, PT. Bank Mega Syariah and PT. Bank Maybank Syariah Indonesia.

Data collection techniques used in this study are, interviews, documentation and literature study. All of these methods are used in research to obtain relevant and quality data. The informant is the person who provides explanation or detailed information in the research process (Martono, 2015: 120). In this study, the selection of informants using purposive sampling technique. Researchers deliberately select informants that have been divided and adjusted based on the field and expertise, namely as follows:

- a. The selected sharia banking practitioners are the head of one of the main branches in one of the regions in Indonesia.
- b. Ulama, informants who have jobs or expertise as scholars who understand tafseer, hadith and fiqh.
- c. Academics, criteria of academic informants who have a degree or expertise in the field of shariah muamalat and sharia accounting.

According Sugiyono (2013: 369) states that triangulation is interpreted as checking data from various sources in various ways and various times, following explanation.

- a. Triangulation of sources is a validity check of data that can be done by checking data that has been obtained through several sources (Sugiyono, 2013: 370).
- b. Triangulation of data collection techniques is to test the credibility of data performed by checking the data to the same sources with different techniques (Sugiyono, 2013: 353).
- c. Triangulation time is to test the credibility of data performed by checking with interviews or other techniques in different times or situations (Sugiyono, 2013: 371).



Data analysis techniques for phenomenology research in this study refers to the delivered Amadeo Giori (Raco & Tanod, 2011: 119-123 in Nuradilla, Rusmana and Warsidi, 2014), namely:

- a) The researcher reads the entire phrase conveyed by the informant with the aim of obtaining the general meaning of the information, when reading the whole phrase conveyed by the informant, the researcher also adheres to the research context that the researcher can capture the expression intended by the informant.
- b) The researcher will read the entire text back with a specific purpose, namely to select or distinguish (discriminating) the unit of meaning (meaning unit) and with full attention to the phenomenon being studied by researchers.
- c) Researchers see and read the whole unit of meaning while looking at whether the unit of meaning really has relevance to the topic discussed and researched by the researcher.
- d) The researcher makes the synthesis of all units of meaning transformed in one statement according to the experience of the informant.

#### **4. FINDINGS AND ARGUMENT**

##### *4.1 Reality of Non-Halal Income Use in Qardhul Hasan's Funds*

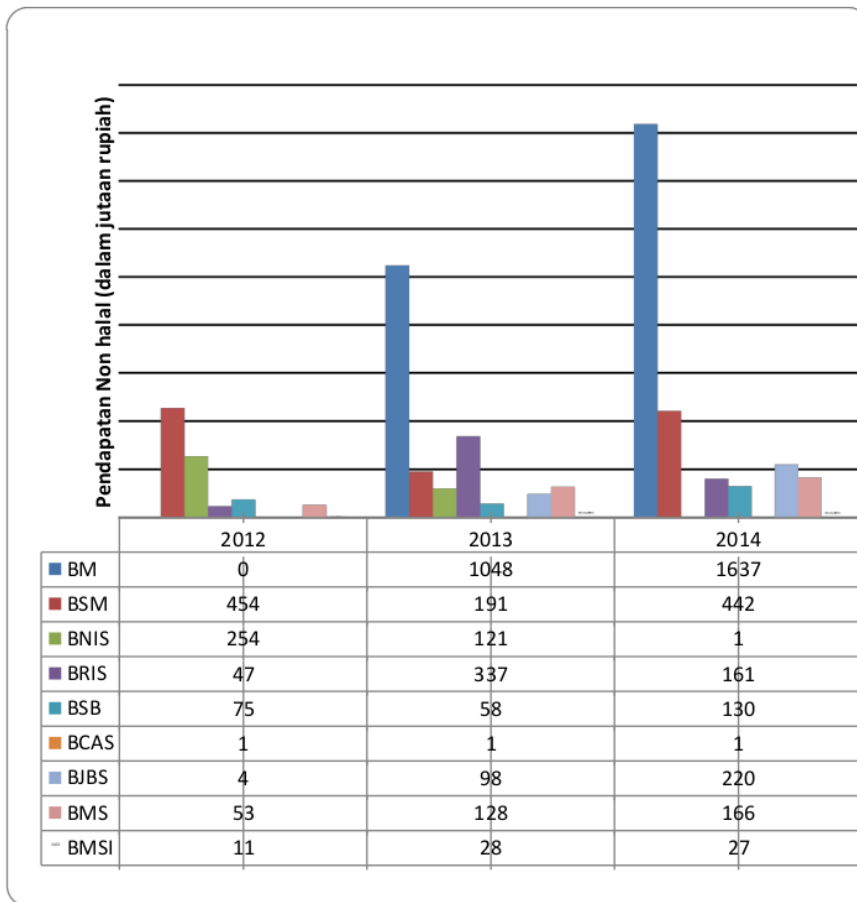
The existence of non-halal income in sharia banking is due to the transaction between syariah banking and conventional banking that raises bank interest. According Solehudin, Auliyah and Zuhdi (2014) that sharia banking still requires cooperation with conventional banking because the position of sharia banking in Indonesia is less precise.

Consistent with the submitted Mr. Imdibkri as Chief Branch in one of sharia banking that under certain conditions sharia banks to deposit funds in conventional banks. This raises interest received by sharia banks, so this interest is categorized as non-halal income. The informant also submitted non-halal income received by the banks which he led only from bank interest.

".... the source was. Just the one we receive now. It's from the flowers, our funds that we use in conventional, one or two days. In love of flowers. That we are categorized as non-halal. "

Non-halal incomes in the source report and the use of a benevolent fund in sharia banking tend to increase. This can be seen in the diagram of the last three years below.

Figure 4.1 Non-Halal Income in the Report on the Source and Use of the Virtue Fund on Sharia Banking for 3 Years



Source: Financial Services Authority (OJK). Processed Researchers

From the picture above shows non-halal income in sharia banking is fluctuating every year but tends to increase. This allows the emergence of non-halal income in sharia banking is increasing every year.

#### 4.2. Scholars, Academics and Practitioners View: Non-Halal Income as the Source and Use of Qardhul Hasan's Fund in Islamic Perspective

##### 1. Utilization of non-halal income: ahsan used as a source of funds qardhul hasan

###### a) Returns the people's funds to the people

In this case the researcher will expose the point of view of the scholars. Is Ustaz H. Abdul Shomad, LC., D.E.S.A, an informant profession as a scholar and lecturer in one of the State University in Indonesia. According to Majma 'al Fiqh al-Islamy's decision, the fatwa of Mufti al-Azhar (Sheikh Abdulathif Hamzah), the mufti of Saudi Arabia's great cleric, Sheikh Hisam' Afanah, was quoted by Ustaz H. Abdul Shomad, LC., DESA, non-halal income may be used but not classified as alms.

From the decisions of the fatwa ulama-scholars revealed that all the property derived from the interest of the bank then haram according to the Islamic Shari'a, both for the recipient of interest and for other parties such as family but there are exceptions from the statement.

That bank interest may be utilized but for the poor, and the public interest. As stated by Antonio (2013: 133) the use of this interest is based on the principle of *akhaffu dhararain* (taking a smaller *mudharat*) when compared with the funds used by conventional banking in the main business which only *berpcententase* on interest and eventually interest will cause other flowers.

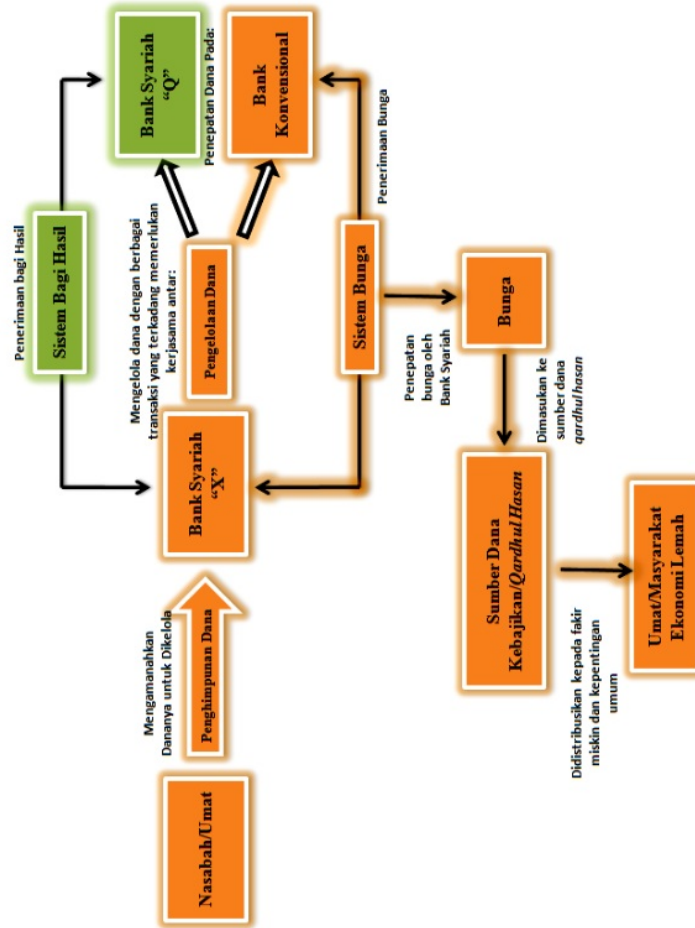
Ustaz H. Abdul Shomad, LC., D.E.S.A stated the same thing in the interview results that have been done. Based on the assumption of informants that the use of non-halal income is feasible to be used for the public interest and the poor. Here's the statement.

"..... then handed over to the poor and not as a *sadaqah*. Because God does not receive the dirty. Allah is Most Holy, God receives except the sacred. Then what is the function of the money? Returns the people's money to the people. These people are regarded as one people. Initially this money belongs to the 'A', 'B', 'C' and others. Then given to 'F', 'G', 'H', 'I', 'J', 'K'. Given the money 'this' to the 'This'. This is still considered a people. That should not be, the money I was eating for me. So let him give to the people and for the common good. The crowd enjoyed. Not enjoyed person (*perorang*). Because he can not eat, unlawful! So the function of money at that time not as a *sadaqah*, return the money of the *ummah* to the people. Because it belongs together. There lies the intersection, as it seems. Loh eaten can not be, wherever possible? Not alms. Hence there should not be with the intention of alms. Can not with alms intention. Because it should not be alms, then if thrown away? Thrown away. It is used for public purposes, for the people. Poor, orphan, build *amaphaphaphy*, build schools, MDA, *musytafaya* (hospital). Not regarded as alms. Purify oneself from the haram, returned to the people.  
"

According to Ustaz H. Abdul Shomad, LC., D.E.S.A, it can be concluded that he agrees with the fatwa of scholars who agree (pro) on the use of non-halal income as a source of *qardhul hasan* funds. According to informants implicitly stated that non-halal income is not recognized as income by Islamic banks even for distribution. Furthermore, with the acceleration of funds in conventional banking raises interest that can not be avoided. In this case interest (interest) is not recognized as income in sharia banking, but is used for people like the general public (weak economy). So called was returning the *ummah* to the *ummah*. Because the source originally came from the *ummah* and returned to the people. The informant stated that the people here mean the one *umma*. To see the flow of non-halal income distribution in the meaning of returning the people's fund to the people can be seen in Figure 4.2.



Gambar. 4.2 Alur Distribusi Pendapatan Non Halal dalam Makna Mengembalikan Dana Umat Kepada Umat



Sumber: Hasil Wawancara dengan Ustadz H. Abdul Shomad, LC., D.E.S.A (Informan)

The purpose of returning the ummah to the Ummah is explained by the informant that it is not classified as a sadaqah but to purify Islamic banking from this illicit income. Because God does not regard a reward for the source of alms except the thoyib (holy). This is based on an informant statement explaining that "Allah is Most Holy, God receives except the sacred."

#### *4.3 Consumptive use is not productive (revolving loan)*

In ED PSAK 101 (revised): The presentation of Sharia Financial Statements specifically regarding the source report and the use of the virtue fund explains that the use of qardhul hasan funds in sharia banking is used for loans, alms, and others. The use of qardhul hasan funds is channeled to the public interest, and alms as the empowerment of the weak economic community can be called consumptive. In this case, consumptive means the channeling of funds for the empowerment of the weak economic community in meeting the needs of its life-wearing. In contrast to productive use in the form of loans or qardh. There is also, Ustaz H. Abdul Shomad, LC., D.E.S.A in this case tends to qardhul hasan funds utilized for public interest, and for consumptive rather than productive. Because based on the income of the fatwa-fatwa or mufti ulama-scholars clearly states the use of bank interest may be used even some say must be allocated for the public interest and poor economic community.

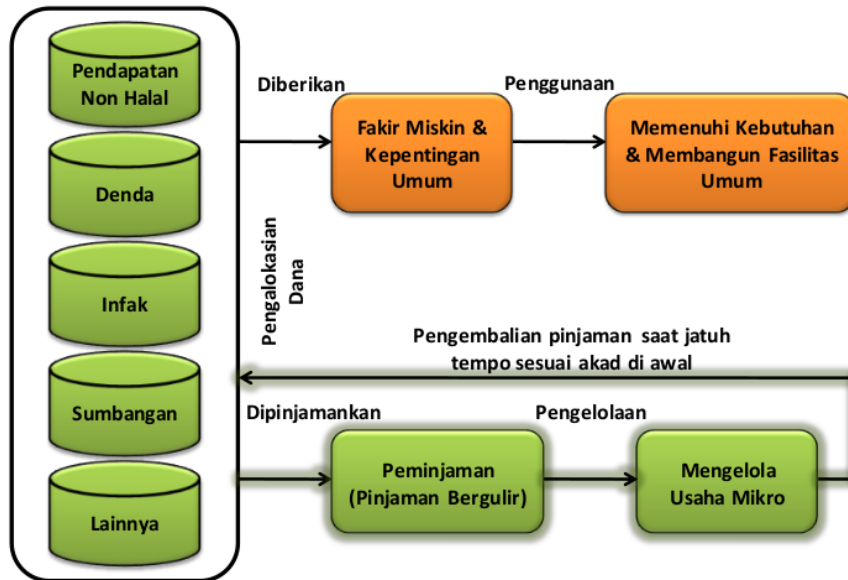
"I would agree, if in this semester can non-halal funds can be for example a hundred million, do not play again. I am more of a majority opinion. Purely consumptive. For the cost of school children, for MDA development, do not play with the loan and then returned. .... I am more amenable that for consumptive funds, run out. "

The mixing of income of halal and non-halal income (haram) on the source of qardhul hasan fund becomes dilematik. The illegitimate law inherent in interest is recognized as a compulsory obligation to be issued by the entity for social purposes. In the study of Solehudin, Auliyah and Zuhdi (2014) disclose that non-halal income should record and report non-halal income separately from source and usage and virtue reports. Because the caution and thoroughness in the management of non-halal income must be maintained by the sharia. Not only does it preserve and avoid mismanagement or materialist error in a financial report, but as a responsibility to a wise and virtuous management given that interest is a source of economic disaster.

There is also a consumptive fund allocation scheme for the empowerment of the poor and public use, and in the form of soft loans (qardhul hasan) will be seen in Figure 4.3.

**Figure 4.3 Qardhul Hasan Funds Allocation (Benevolent Fund)**

#### Sumber Dana Qardhul Hasan



Source: Analysis of interview result of researcher with Ustaz Abdul Shomad (Informant)

It can be seen in Figure 4.3 that the consumptive use of funds for public use is voluntary. Thus, in this case in accordance with the return of the ummah to the ummah. Different conditions if qardhul hasan funds are disbursed in the form of productive loans. There is an obligation to receive funds to refund the funds at maturity. So that the purpose of Islamic banking to rid itself of non-halal acceptance has not been as expected. Because non-halal income has not been completely clean from sharia banking.

#### 4.4. Utilization of non-halal income: not ahsan used as a source of funds qardhul hasan Haram Taken Haram Given

In a rule it says that "What is forbidden to take it then is forbidden to eat it and given to others." This rule is quoted by Prof. Dr. Akhmad Mujahidin, M. Ag. as the basis of the informant's argument stating that it is not a wise practice to use the non-halal income to one of the qardhul hasan sources.

"It is wrong if this should be spin off. There can be non-halal income anymore. This is continuity. It is so. .... So here is a rule. "Whatever is forbidden to take it then is also forbidden to eat it and give it to others."

There is also, the intention of this rule are two activities of causality (cause-effect) are tied to each other, then the law is parallelized. If a result of activity activity is considered haram, then the previous activity which is the cause of the emergence of prohibition, it is also forbidden. This as a logical consequence to realize the more comprehensive benefit of a ban (Ramadhansyah, 2013).

The informant's statement confirms that the legal haram of non-halal income is utilized to empower the weak economic community, as it is forbidden to recognize interest as

the operational income of sharia banking. Because not a justification for the use of usury for the empowerment of the weak economic community.

As with the illegitimate law inherent in interest, efforts to stop receiving non-halal funds should be a priority. As in the informant statement that the spin off on interest receipt should be done as a form of self-esteem Islamic banks to keep the principles of sharia free of usury.

"Yes non-halal income really accepted, yes can not. If you want the truth. Ga no harm to us if we do not accept. There is no. This we can be dug the same conventionally. 'Ente .... want also our flowers'. There we ga can be stupid. Qardhul hasan is from zakat, infak, alms. Why should it be mixed with non halal.

Furthermore, Prof. Dr. Akhmad Mujahidin, M.Ag corroborated the argument with the above statement. The mixing of halal and non-halal funds in qardhul hasan funding sources by sharia banking should be avoided. If sharia banking prioritizes its principles comprehensively (kaffah), although gradually.

The same thing conveyed by Dr. Aji Dedi Mulawarman, the informant totally refused the use of interest in qardhul hasan funds used for the weak economic community. To that end, sharia banking should avoid interest income in its operations. Because explicitly, informants stated that to avoid usury in sharia banking then what is done is not taking something size based on interest (interest), in this case interest is an interest. Sehingga avoid transactions that generate interest in Islamic banks is a manifestation of the implementation of sharia principles in a comprehensive (kaffah).

"If everything is taken the size is based on interest / interest. Wong riba is interest. Interest is interest. So if the bank is the way of thinking usury, it is resigned. That if you look at non-halal income, well it's okay wear aja. Kan's interests. Even if he said to fund the virtue. However, his name is rash, this is his name trapping people in bad. "

#### *4.5. Use of non-halal Income for Public Interest*

The use of non-halal income in qardhul hasan funds as a social from can not be said to be wise, and virtuous. For on Allah's side this use is not regarded as alms because Allah is All Giving except the sacred.

"If for general kepentigan like a highway, the bridge may deh. Instead of redundant. But if for consumption, do not. Meat that grows from illicit goods hell place. The qardhul hasan context for the poor is not it. .... But if for consumption, investing like a scholarship, that's an investment. Do not! Haram it. .... So too, for venture capital. The effort is the result to be eaten (consumption). Do not!. Must be careful. "

Prof. Statement Dr. Akhmad Mujahidin, M.Ag. respond positively to the use of non-halal funds for non-consumption public purposes. In his statement, the public interest is meant to build bridges, road reconstruction and other similar. This idea is based on the premise (assumption) that this is done as a form of caution if its use for consumption. The informant reinforces the premise (assumption) of a hadith, that is "the meat that grows from the illicit goods of the place hell." There is also, informant also explains if the use of this non-halal income for business capital loan, the same law, that is haram. Because in the short or long term will receive the results are clear results for consumption.

Consistent with the views of previous informants, Mr. Imdibkri as a practitioner in one of sharia banking revealed such a thing. The use of non-halal income should be allocated in a non-consumption form but distributed to public facilities such as building roads, bridges and the like.

In Table 4.1 above describes the source and use of funds of virtues in sharia banking period of December 2013. In table 4.2 describes the source and use and virtue based on Reports of the Source and Use of Virtue Funds in sharia banking period 2014. In 2014 Bank Muallamat reveals the source of its virtues derived of penalty of 2,337,000,000.00 and non-halal income of 1,637,000,000.00. While the use of funds is not disclosed by Bank Muallamat. In Bank Syariah Mandiri the source of virtue fund is almost equal to the previous period which comes from fines, non-halal income and others, and its use is used for other categories that is Rp 2.252.000.000,00. Similarly, BNI Syariah Bank obtained the same sources and usage in the previous period. However, there is a decrease in the income of the fund although not so significant. While the use of these funds has increased  $\pm 5$  times from the previous use of funds that amounted to Rp 899,000,000.00. The increase in income from the previous period also reached 57.7%, Bank Jabar Banten increased 72.9%, Bank Mega Syariah increased 135.1%, and Bank Maybank Syariah Indonesia increased by 183.1%. However, the increase in the funds of virtue is not proportional to the increase in the use of such funds, there is a decline in the allocation of funds of virtue.

Furthermore, BRI Syariah Bank discloses its financing sources from fines, donations / grants, and non-halal incomes, in this case decrease in the source of funds, although not significant, down about 18.5%. Meanwhile, Bank BCA Syariah accumulated statutory (fixed) funds at Rp 418,000,000.00 from the previous year for its use for other categories of Rp 211,000,000.00.

#### *4.6 Expectation on the transparency of non-halal income*

There is also non-halal income should disclose information about how the transaction can occur and how to anticipate it. So stakeholders receive information in a transparent manner. Based on the explanation from Haniffa & Hudaib (2004) in Iqbal (2012) one of the foundations for sharia entities to show a genuine commitment to social responsibility is by disclosure.

In this case, awareness of the importance of disclosure for all transactions relating to qardhul hasan funds is required. Consistent with the results of Iqbal's (2012) study that charitable funding aims at social, an act done for a good cause will receive a divine blessing (blessing). Thanks to this the possibility of customers has given their trust to fund managers (syariah banking), and when they believe, customers will be motivated to repeat their charitable actions. The results of Schoorman et al. (2007) in Iqbal (2014) have shown that charitable actions will lead to the emergence of a trust effect that motivates individuals to repeat the same actions.

The mixing of halal and non-halal funds in the source of qardhul hasan funds is not a wise and virtuous decision because of the illegitimate law inherent in interest. It must be used carefully. In Solehudin's research, Auliya and Zuhdi (2014) attempted to provide a solution to non-halal income, namely the separation of non-halal income from source reports and the rolling of the fund of virtue. In the study also made samples of non-halal income statements separate from the benevolent funds report. In fact, it is not just the separation of reports but



non-halal income funds are restricted to a thing that requires non-halal income. So that non-halal income must go in and out of the door of non-halal income. In this case, the solution is non-halal income used for donations or grants to the State of Indonesia to be paid to interest due to state borrowing efforts to cover the budget for the nation's needs. Then the interest is left to the flower.

However Ustaz H. Abdul Shomad, LC., D.E.S.A responds differently if this non-halal income is allocated to the State. Because a country already has the state budget, which specifically tackles poverty. So that more effective and efficient non-halal funds are allocated directly by sharia-based labor or submitted to social institutions that can manage the fund for the public interest.

"I in this case follow the opinion of many scholars more. Because more congratulations. So the funds are not to the State. The country already has ABPN, APBD. It should, in our law, the poor man be borne by the State. Now even the funds are in given to the State. Moreover, the State is not trust. It will be difficult to identify the fund. So good, who get the non-halal funds earlier, immediately wrote submitted. "

However, the necessity of disclosure of non-halal income in sharia banking is urgent. The disclosure of the report of the virtue fund transparently on the grounds of the occurrence and use of non-halal incomes in the notes to the financial statements should be a priority in the implementation of sharia principles in a kaffah manner.

Prudent effort in managing non-halal income in sharia banking comprehensively (kaffah). According to Prof. Dr. Akhmad Mujahidin, M. Ag is with a spin off, stopping interest income in sharia banking. Because to achieve the principles of Islamic Shari'ah in operational must avoid haram (interest). Consistent with what Dr. Aji Dedi Mulawarman that differentiates sharia banking with non sharia banking is from paradigmanya, if paradigmanya take a measure based on interest (interest) then to avoid interest in sharia banking become difficult to be realized. So the wisest and virtuous decision is to decide all transactions that generate interest whose purpose is to follow the principles of Islamic law in kaffah.

But in addition to these expectations, reality conditions show different things. The acceptance of non-halal income in Islamic banking is continuous. There should be no tolerance to recognize income since the status of income is haram, although in certain cases it is admittedly possible. There should be an explanation of how the transaction (interest) can occur and how to anticipate it.

With the transparent disclosure of qardhul hasan funds especially non-halal funds will be oriented to public trust. In this case, according to the analysis of research efforts disclosure that needs to be done is to separate the use of non-halal income on the allocation of funds that are consumptive and especially productive loans. Although non-halal income accumulates with other sources on qardhul hasan funds. However, this is anticipated by disclosing it to the financial statements or notes to the financial statements. So that the non-halal income specifically only allocated for the public interest, such as road construction, bridge construction and others.

This is done to avoid mixing of halal and non-halal funds in their use. Because the allocation with the loan in the use of the funds of virtue, should be avoided from non-halal funding sources. Because considering the non-productive use of non-productive income (loans)

is not a wise and virtuous decision to make. So the separation of the use of halal and non-halal funds on the source of qardhul hasan funds needs to be done. In this case, the qardhul hasan source of non-halal income is used exclusively for the public interest. Meanwhile, the source of halal funds can be used for productive loans, donations and other consumptive.

## **5. CONCLUSIONS**

The analysis of the informant's view of the phenomenon of non-halal income utilization in the qardhul hasan fund has different perspectives. The results show there are two different views related to the phenomenon, namely the first view, ahsan used as a source of funds qardhul hasan. In this case, its use is allocated to the public interest or the poor. The second view refers to the use of non-halal income on the source of qardhul hasan funds. It is based on the assumption that if a consequence of activity, activity is considered haram, then the previous activity which is the emergence of prohibition. So that something that comes from the haram is not feasible even functional given. However, an exception if non-halal income is used for public purposes, this is classified as permissible rather than redundant.

The result of the analysis shows that although there are differences of opinion from the informant statement, there is a relation or understanding of understanding, in this case that is as follows:

1. Non-halal income may be used in qardhul hasan funds. This is based on the assumption that the return of the ummah to the Ummah is aimed at cleansing of the haram. However, the separation of use should be prioritized by separating the use of non-pecuniary income specifically allocated for public purposes (public facilities) such as road construction, bridges and others. While sources of qardhul hasan derived from halal funds are allocated for consumptive donations or revolving loans (qardhul hasan).

2. Prudent efforts in managing non-halal income in sharia banking in kaffah (comprehensive) according to Prof. Dr. Akhmad Mujahidin, M. Ag is with a spin off, stopping interest income in sharia banking. Because to reach the principle, Shari'ah of Islam in operational must avoid the haram (interest). Consistent with those delivered by Dr. Aji Dedi Mulawarman that differentiates sharia banking with non sharia banking is from paradigmanya, if paradigmanya take a measure based on interest (interest) then to avoid interest in syariah banking only become an expectation without any realization. So the wisest and wholesome decision is to decide all transactions that generate interest, whose goal is to run the principles of Islamic law comprehensively (kaffah).

3. Transparent disclosure becomes an increasing orientation of public trust. According to the analysis of research efforts disclosure needs to be done is to separate the use of non-halal income on the allocation of funds that are consumptive and especially productive loans (qardul hasan). Although non-halal income accumulates with other sources on qardhul hasan funds. However, this can be anticipated by disclosing it to the source report and the use of a benevolent fund or a note on a financial statement. So that the non-halal income specifically only allocated for the public interest, such as road construction, bridge construction and others.

### *5.1. Limitations of Research*

This research is compiled and written by researchers who can not be separated from the shortcomings and limitations. In this study, the clerical information interviewed was only one informant. However, the presence of more than one clerical infamy can strengthen the results of the research. Then the practitioner's informants from the select ones are not from their direct stakeholders such as the Sharia Supervisory Board, which in this case is better informed about the principles of sharia banking transaction better and accurate.

## *5.2. Suggestion*

After doing research and based on the understanding of researchers in analyzing this phenomenon the researchers provide suggestions as follows. First, for sharia banking, to disclose non-halal income more transparently, reveals the source of how transactions and allocated uses are made. As well as efforts to minimize the incidence of non-halal income to realize sharia banking with the principles of Islamic law in a comprehensive (kaffah). Secondly, for the stakeholders, the effort to realize sharia banking in accordance with the principles of Islamic law comprehensively (kaffah) in the decision to accumulate non-halal income with the source of halal funds in its use in qardhul hasan funds may still need to be considered. Separation of the use of qardhul hasan resources between halal funds and non-halal funds can be a consideration because as a precautionary form in the use of "forbidden" income. The use of non-halal sources of funds should be allocated exclusively to the public interest while sources derived from halal funds are used for productive loan capital and in the form of consumptive such as alms to the economically weak community.

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